

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

August 12, 1999

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, August 12, 1999, at 1:00 p.m., in the Planning Department Conference Room, 10th Floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present. Frank Garofalo, Vice-Chair; Chris Carraher; John C. Frye; Bud Hentzen; Richard Lopez (late arrival); Ronald Marnell; John W. McKay, Jr.; Jerry Michaelis; Susan Osborne-Howes; George Platt; Ray Warren (late arrival); and Deanna Wheeler. George Fulp and Bill Johnson were not present.

1. Discussion of current City/USD 250 Programs

KROUT "Cathy Holdeman of the City Manager's office is here to speak on this. One of the follow-ups that I got from another staff member after the conversation we had on the Comprehensive Plan, and the importance of USD 259 and the City being more coordinated in their planning and activities, was that there are a number of activities that are already underway and others that are planned. I thought it would be useful to bring Cathy, who is involved in all of those, to the Planning Commission to tell you about those and to answer any of your questions."

CATHY HOLDEMAN "I am from the City Manager's office. I am going to talk a little bit about some specific relationships that we have with the school district that are going on right at this moment.

We have started what we call a Community Education program, or a Lighted School Program. I don't know how many of you are familiar with that, but that whole thought was born out of the Neighborhood Initiative, which was conceived in 1993. In 1995, we hired our first Neighborhood Center coordinator at Colvin. Let me tell you a little bit about what community education means in the words we oftentimes use, Lighted Schools. Basically, that concept is that we have wonderful resources out in the community within our school system, and that oftentimes those resources close shop after the school days end and they aren't available for neighborhood residents.

So, what we have tried to initiate is a program with the school district whereby we would use those facilities after the school day ends and bring in those programs in services that are needed, wanted and desired by area residents. We do that here in the City of Wichita at two locations. They are at Colvin, and for those of you who aren't familiar with it, Colvin is a combination community center and elementary school. I don't know how many of you have driven out to Planeview lately, but if you see that facility, it also has a community side to it and in that community side, we at the City of Wichita staff a health department, a recreation department and our human services staff are also located at Colvin. It is also an elementary school, as well.

Then we have our second neighborhood center, our community education program at Northeast Magnet School. We use the Northeast Magnet School and then for spill-over events, we use the Atwater Center, so we have kind of a complex going on there. We have recently hired two new community education coordinators, and they will be working in sites to be determined. The City Manager and I recently met with the Superintendent of Schools and one of his Assistant Superintendents, and we have talked about two new locations. They will be finalizing that on Monday, and hopefully we will be moving forward to place those two individuals.

I am trying to kind of relate back to why this is important in the planning process. It is important because what we are doing as a city is working in partnership with the school. We are working in partnership not only to use a physical resource, but we are also working in partnership to work with area residents on those programs and services they need whether they are recreational programs, health related programs, whether they are things like getting a G.E.D. or if they are how to fix your car, or a nutrition program. Anything is fair game. We have set these schools up in partnership with the school so that we have access to their facility. We share their building with them and it is available to us in the evening hours. During that time period, we oftentimes have a staff person, one of these two people that are in the audience are there. They are either managing the building or kind of checking on things to make sure things are going okay. Their responsibility is to go out and recruit those programs to that school.

Our organizational structure is such that they are City employees housed in school facilities, and we pay their salary, but we have what we call an Advisory Council. Each one of those two schools has an Advisory Council made up of members from the community. I am not sure how many of you are aware that the school district has Site Councils. They draw upon the memberships of Site Councils so that there can be some coordination and linkage with what they are doing, with what our programs are doing. They also recruit community leaders and others that are interested in working in that facility.

I would just like to give them a brief opportunity to talk specifically about what they do do in their partnership with the school. Then I will come back and answer any questions. I know you are limited on time, so I just wanted to give you a thumbnail sketch of what we do in partnership with the Community Education Program in several locations.

For those of you who do not know her, this is Twyler Bibbins. She is stationed out at Northeast Magnet School, and this is Maaskelah Chinyere-Yeng, and she is out at Colvin. "

MAASKELAH CHINYERE-YENG "As part of the process of developing the partnerships for resources to go into those lighted schools, and linking those resources with the needs of that community, we have developed what we call the Community Education and Alternative Learning Network. What that is about is finding those agencies, organizations and individuals who are providing any type of community education-type activities that is open to the public or that they would be willing to share with those who need those resources and linking them together in a network to provide those resources, not only in those buildings, but throughout the

community. The goal being to link the resources with the needs of any particular community. For instance in Planeview, their particular needs are around housing issues, health and nutrition.

We find those agencies and organizations that are providing those community education needs and bring them into our centers. Part of that network is us as the City of Wichita assisting them to promote their community education efforts, not only in those particular neighborhoods, but throughout the city. By doing that, we have been able to establish some partnerships already and to provide certain classes and resources within the Center."

TWYLER BIBBINS "I just want to share a little bit about our curriculum and how we develop our curriculum. The classes or the learning opportunities that we offer within the centers as well as in the schools usually are at minimal cost and at no cost to the residents because this has been identified as a need that they have and we are wanting to hook up that resource to them.

Most of our classes are taught by loaned executives from corporations or partners that we have already established as well as grandmothers in the neighborhood that have retired from different industry and businesses that are able and comparable to teach that class in order to instruct and facilitate others. Some examples of the type of classes that we offer; we have community information sessions; we have home ownership programs; we have health and wellness; we have a family learning program. One of our partners is the Wichita Area Tech College, and we have the 'Be-More' program. So there are various classes that we try to hook up.

In Colvin, she talked about housing as an issue. In the northeast, it is economic development. So we have some money management, we have some dollar and cents type series classes that go on, so the main gist of community education is empowering and enriching those individuals that live within our communities. Even though we are housed in certain section of the City, our program is open citywide. The focus may be just on that need, but there may be someone outside of our community that also needs to link up to that resource. So, we make sure that we inform others that even though we may be based in certain quadrants of the City, it is open citywide so we can impact the City as a whole. That is kind of it in a nutshell."

HOLDEMAN "I guess one concluding statement about partnerships is that our partnership with the school district is in this commitment to life-long learning, and believing that the schools are resources that should be available to the public and neighborhood residents should be able to have access to them. That is our whole goal, to open those facilities up as a resource to the community and then be able to use them for those things that the neighborhood residents want and need.

As a side note, I also wanted to mention, too, that as we move forward through this whole program, we are also moving forward in another area, and that is to establish what we call mini City Halls in four neighborhood centers. Two of those neighborhood centers are linked with education facilities. Stanley Aley is a combination neighborhood center/school facility, and Colvin is a combination neighborhood center/school facility. Our goal here again is to try and open up our own community facilities to make them more accessible to neighborhood residents over time. So that is not necessarily a direct partnership with the school district for some of those centers, but it could be if they need to use them after the hours for their programs, too. I just wanted to mention that as well. Are there questions about what we are doing with the school district in terms of our community education efforts? I would be happy to answer any you may have."

WHEELER "It sounds like you have some excellent programs going on. I am curious of what the future plans are. Are you planning to do this in other schools and expand the program to more than just a few areas?"

HOLDEMAN "Yes. Right now, we have these two folks right here who are involved in community education, and I recently hired two more individuals who are in training. The school district, on Monday, will have a meeting to affirm two other locations. We went to them and asked where it would be most appropriate to station our staff, because some of their schools are very crowded, as you know, and there is just now room for an office and a lot of activities during the day or evening hours. So, in our partnership efforts with them, it was really important for them to suggest to us two other locations. They are finalizing that on Monday, and then we will be able to station two more people out in the community."

WHEELER "So once those are placed, you will have a total of four? And then you have two that are some hybrid?"

HOLDEMAN "We will have four community education coordinators. These two and two more."

GAROFALO "Are there any other questions? I have one. Can you give us some idea of how much use these are given? Are people taking advantage of this?"

HOLDEMAN "I think so. In fact, we have talked a lot about that. Why don't one of you answer that question?"

CHINYERE-YENG "At Colvin, we have what is called the family literacy program. That has actually been going on for the last three years or so. Because there are a high percentage of families who have English as a second language, they utilize the programs that we offer them because we do offer that course along with GED preparation, and a homework club for the kids. So the building is utilized highly just through that one program itself. Any additional programs we bring in, that attracts additional citizens. Our building, because it has been there and has been a joint facility since it was built, it attracts the citizens. The community knows it is there and they do come in and utilize that building."

HOLDEMAN "And just in support of what Maaskelah is saying, in terms of utilization, the community that she works in is one that is bilingual. They are Spanish speaking residents, there are Asian and Vietnamese. One of her challenges has been to be able to bring those community groups into that facility, and a language barrier has been a significant challenge. So, right now, you have a

community group that just meets there, they are not really involved in any specific community education class right now, but that we consider a very big step in that our facility is seen as welcome and open to those neighborhood residents.

Also, I just want to add one thing about the community education fees. The classes that are offered have been identified by someone. We try our hardest to neighborhood associations, to go to different meetings within our community and find out what the need is of those residents. So those are identified needs that we have seen, not just foresee. So in those same arenas that we gathered that information, we make sure that we let them know that. We now have a resource to connect you up with. So that also aids in our utilization, because it is something directly that they said was an issue, and we try to address that issue."

GAROFALO "Are there any other questions?"

PLATT "Really, this is a comment. I appreciate your bringing this report to us, I think it is very interesting. But I can't help but add that it seems to me that this is one more example of where we never had anybody from the public schools participating in these kinds of situations."

KROUT "I will accept the blame for not inviting someone from the school district administration. I certainly could have done that. Kathy was here and available to summarize the City's prospective of some of these programs that are going on. I think the Planning Commission can discuss other ways that we can bring people from the school district in."

HOLDEMAN "Just as a side note, Dr. Platt, one thing you might be interested to know, and maybe Marvin has shared this with you, but there was some real extensive dialog City staff and the School District when Marvin was the key speaker, talking about the plan and the planning process. We really did talk a lot about the issues relating to the schools and their growth patterns and their bond issue needs and all of those things. Marvin was able to tie that into the two different growth scenarios that you have talked about. I think it was fairly enlightening for the people at the table to kind of see where this whole planning process is going in terms of their own physical facilities as well."

PLATT "Oh, good."

WHEELER "How much is, for instance, youth recreational programs a part of this program? I know that a couple of the facilities that are in place that are an integral part, but in the long range plan, is there a plan to, because we do not have park recreation centers and we have found in going through a park plan a few years ago, that having something in the community that kids can walk to with working parents, it becomes a key. Was there something addressed?"

HOLDEMAN "Yes. We are working on that in a number of avenues. This summer, in our Park Department, we initiated a new program called 'The Summer of Discovery', which was available at the 10 neighborhood center sites. We think that has been a fairly successful program that brought more than just board games to the table. It was a very structured and enriching program for youth."

We do have youth activities at many of the centers, for example, Maaskelah at Colvin, there are before and after school programs that go on. We will find, when we talk to our school principals, that those types of programs are very, very much needed, and we need to think, with our own resources, how we can help accommodate that and work our staff to help meet the needs that are going on with the school district, for example, it is real important to have some kind of recreation program very early in the morning and then an after school program as well. So we are working in that avenue with our Park Department. We are also involved in recreation programs with schools with what has been called the Recreational Alliance. I think they recently changed their name now and go under a different name, but that has been a partnership with the City and the school and the YMCA to bring after-school programs to certain locations."

WHEELER "I guess my question is, too, in terms of not just before and after school, but summer programs. We have a lot of grade schools, for instance, that are in neighborhoods that recreation centers are miles from, so is there a plan to, at some point, have recreation programs at every grade school within the system?"

HOLDEMAN "I can't speak to every grade school. I do know that we have recognized that as a need, and that is something that we really need to work harder on in the future, in developing those partnerships with our schools, especially in those summer programs."

WHEELER "Because oftentimes, the facilities are there."

HOLDEMAN "That is so true, and that is the same philosophy with community education. The facilities are there, they are wonderful facilities, but we just need to find ways that we can partner together to use those facilities."

GAROFALO "Are there any other questions? If not, thank you a lot."

HOLDEMAN "Well, thank you for the opportunity to share."

GAROFALO "Before we continue with the agenda, I have a couple of announcements. If there is anyone here concerning Agenda Item No. 7, which is case No. DP-50, Amendment #2, the Carriage House Plaza CUP, that item has been pulled from the agenda and will be going to the City Council."

Also, I would like to know if there is anyone here who would like to speak on Agenda Item 3/8 on the street name change. One person? Okay.

Also, for the Commission, the agenda items for the Subdivision items and the Vacation items are incorrect on the agenda items. The agenda item numbers do not correspond with the item numbers on each of the reports. That is items 3/1 through 3/7. The item numbers on the agenda are correct. Is that clear?"

2. Approval of minutes for MAPC meeting of May 13, 1999.

MOTION: That the Planning Commission approve the minutes of the May 13, 1999 meeting as submitted.

OSBORNE-HOWES moved, **CARRAHER** seconded the motion, and it carried unanimously (12-0).

OFF-THE-AGENDA ITEM

KROUT "We passed out a couple of pieces of information for you. One is the revised and approved City Capital Improvement Program. We are not asking you to take any action on it this week, but on our next agenda, we will include a motion to find that the program is consistent with the Comprehensive Plan. I think we talked about it informally previously and didn't find anything that wasn't consistent. But remember what we had was a lot of 'undecideds' in terms of the Capital Improvement Program that we talked about informally a couple of weeks ago. There really weren't enough of you to take any action. Now they have filled all of the holes and set the priorities and the City Council did act on it, but we still do have to make a finding on those projects before they can construct them under State law. So we will put it back on your agenda.

The other piece of information I handed out to you, and again, we would like to discuss that with you at a future date, probably two weeks from now, is a report that was prepared, as I understand it, by Council members Cole and Pisciotte with the City Manager's staff's assistance. It is a report of recommendations to the City Council on restructuring, basically changing CPO roles and membership and responsibilities and everything else to something that is going to be called District Advisory Boards. Related to that also, there are some recommendations for the MAPC. As you look over those over the next two weeks, I would ask you to think about a couple of things as we get into the discussion of this new establishment.

First of all, the comments you have about this proposed new Advisory Board setup as opposed to CPOs. Second, as it relates to the MAPC. There are recommendations in there about structure, about evening meetings, about how to involve citizens if you don't have the CPO. It also may be giving us another opportunity to look at the possibility of structuring the Planning Commission and your responsibilities in a way that you can be more efficient in handling some of those responsibilities.

It starts out with a blue memo that says 'restructuring of the CPO and implications for MAPC'. So, please give that a look-over in the next couple of weeks and we will plan to discuss that at the next meeting. I think we have a fairly light zoning agenda next time."

GAROFALO "Is there anyone here to speak on Subdivision items 3/1 through 3/4?"

- 3.** Subdivision Committee items 3/1, 3/2, 3/3 and 3/4 were approved subject to the Subdivision Committee recommendations.

MCKAY moved, **FRYE** seconded the motion, and it carried unanimously. (13-0).

- 3/1. S/D 99-50** – One-Step Final Plat of the BALTHROP 3RD ADDITION, located on the northeast corner of Central and Greenwich.

- A. This site is located in the County's Four-Mile Creek sewer system and is served by the County. A new sewer petition is required along with a sanitary sewer layout.
- B. City Engineering need to comment on the existing guarantees and the need for providing new or revised guarantees. A guarantee for extension of stormwater sewer is required. A cross-lot drainage agreement and off-site drainage agreement are required.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage plan. A drainage plan has been approved.
- E. Traffic Engineering shall comment on the access controls. Two openings along Central and two openings along Greenwich are permitted for this plat. 125 feet of complete access control is required from the north line of the plat. The westernmost opening along Central is limited to right turns only.

- F. An adjustment to the CUP will be needed to revise parcel boundaries to correspond with the platted lots.
- G. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves which are not being replatted by this Addition, a restrictive covenant shall be submitted which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- H. An adjustment to the CUP will be needed for any revisions in the access controls.
- I. On the final plat tracing, a note shall be placed on the face of the plat indicating that this Addition is subject to the conditions of Community Unit Plan DP-232.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Southwestern Bell has requested additional easements.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in Release 13 version of AutoCAD. This will be used by the City and County GIS Department.

3/2. S/D 99-53 – One-Step Final Plat of UNIVERSAL 4TH ADDITION, located on the West side of Greenwich Road, North

- A. Municipal services appear to be available to serve this site. City Engineering needs to comment on the need for guarantees or easements. No guarantees or additional easements are required.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan and if the minimum building elevation is sufficient. The drainage plan is approved. Drainage improvements are needed at time of site development.
- D. City Engineering needs to comment on the proposed access controls. The plat denotes two openings along Greenwich Road including complete access control along the north 22.5 feet of the plat. Distances should be shown for all access controls.
- E. The final plat tracing shall reference a tie point to a section corner.
- F. The Applicant is advised that the 35-ft platted setback may be reduced to 20 feet.
- G. The applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

- H. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- L. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- P. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Q. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in Release 13 version of AutoCAD. This will be used by the City and County GIS Department.
- R. Traffic Engineering has requested the dedication of an additional ten-foot of right-of-way along Greenwich.

3/3. S/D 99-52 – One-Step Final Plat of UNITED WAREHOUSE ADDITION, located on the south side of 45th Street North, East of Old Lawrence Road.

- A. The Subdivision regulations specify that urban subdivisions located outside of the City of Wichita shall be provided with municipal-type sanitary sewer service and a public water supply system. Water service will be provided from Park City.
- B. Since sanitary sewer is unavailable to serve this property, the applicant shall contact the Environmental Health Division of the Health Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. A restrictive covenant is required that prohibits non-domestic uses on the site until public sewer is available.
- C. City Engineering needs to indicate if petitions for future extensions of municipal petitions of sanitary sewer need to be provided at this time. No such petition is required.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- E. County Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. An off-site drainage easement is required.
- F. County Fire has permitted two access openings along 45th Street North. The dedication of access controls shall be referenced in the platlor's text. The Subdivision Committee has required the closure of one access opening upon the installation of a street along the west line of the plat.
- G. If any of this site's drainage is directed onto the adjacent railroad right-of-way, a letter shall be provided from that railroad indicating their willingness to accept such drainage.
- H. The final plat tracing shall indicate the recording information for the KGE and gas easements on this property as indicated on the platting binder.
- I. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage

easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in Release 13 version of AutoCAD. This will be used by the City and County GIS Department.

3/4. S/D 99-51 – One-Step Final Plat of HOLY TEMPLE CGC ADDITION, located on the northeast corner of 11th Street North and Hydraulic Avenue.

- A. It appears that municipal services are available to serve this site. City Engineering needs to comment on the need for any guarantees or easements. A stub easement is required along the south line for a manhole in Lot 1, Block 1. A guarantee is required for the abandonment of the existing sewer line in Lot 1, Block 1.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. A guarantee is required for the extension of a private storm sewer.
- D. Traffic Engineering has approved two openings along Hydraulic, at a distance of 100 feet apart. The applicant shall guarantee the closure of the southernmost opening located within an area of complete access control.
- E. The bearings shall be denoted on the utility easement within Lot 1, Block 2.
- F. William M. Johnson shall be referenced as the Chairman of the Planning Commission.
- G. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- H. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
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- K. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
 - L. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
 - M. Perimeter closure computations shall be submitted with the final plat tracing.
 - N. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
 - O. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
 - P. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in Release 13 version of AutoCAD. This will be used by the City and County GIS Department.
 - Q. Traffic Engineering has required the dedication of an additional 5-ft of right-of-way for the portions of the plat abutting Kansas and Rumsay.
-

3/5. D-1766 – Dedication of Abutter's Access Rights for property, generally located on the southwest corner of 21st Street North and Ridge Road.

OWNER/APPLICANT: Lawrence Development, LLC, Classic Real Estate, C/O Christian Ablah, 8343 E. 32nd Street No., #150, Wichita, KS 67226

LEGAL DESCRIPTION: Lawrence Development First Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split (L/S-1008) and is being dedicated for complete access control along Ridge Road over and across the east and northeast line of said addition.

Planning Staff recommends the granting of this dedication be accepted.

MOTION: That the Planning Commission recommend to the governing body that the request be approved.

FRYE moved, **WARREN** seconded the motion, and it carried unanimously. (11-0) McKay abstained.

3/6. V-2186 – Charles W. Grauel requests the vacation of a portion of a utility easement described as:

The north 20 feet of the south 40 feet of the west 122.33 feet except the west five feet thereof Lot 8, Block 1, Crestview Country Club Estates Overbrook 3rd Addition, Wichita, Sedgwick County, Kansas. Generally located at 143rd Street East and Central Avenue (14821 Sharon Lane).

- A. County Public Works requests a survey of all utilities in the easement.
- B. The Utility Representatives need to comment on the acceptability of this vacation and any requirements.
- C. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

VERTS "This is a request to vacate 20 feet of a 40 foot utility easement. During Subdivision, it was decided that we would vacate 15 feet of the 40-foot easement, because of a KG&E line at 20 feet.

Another condition for the approval was that the applicant verify location of the sewer line and obtain approval from the County Public Works. Staff has received that verification that the sewer line is indeed south of the KG&E line. So the 15 feet is okay with everybody. Subdivision did recommend approval based on those two conditions."

GAROFALO "Does anybody have any questions of staff? Is there anyone from the public here who wants to speak on this Item? If not, I will return it to the Commission. What is the pleasure?"

WARREN "Can we take these two cases together, or do we need to do each one separately?"

VERTS "I don't need to present anything on Case No. 3/7, V-2188."

WARREN "So we can take them together?"

VERTS "Yes."

3/7. V-2188 – Bachman Enterprises, Inc., c/o Brad Bachman, request the vacation of five (5) 20-foot drainage easements, described as:

20 foot drainage easement centered on the common line of Lots 3 and 4, Block 2, Harbor Isle 2nd Addition to Wichita, Sedgwick County, Kansas.

20 foot drainage easement centered on the common line of Lots 7 and 8, Block 2, Harbor Isle 2nd Addition to Wichita, Sedgwick County, Kansas.

20 foot drainage easement centered on the common line of Lots 11 and 12, Block 1, Harbor Isle 2nd Addition to Wichita, Sedgwick County, Kansas.

20 foot drainage easement centered on the common line of Lots 23 and 24, Block 2, Harbor Isle 2nd Addition to Wichita, Sedgwick County, Kansas.

20 foot drainage easement centered on the common line of Lots 45 and 46, Block 2, Harbor Isle 2nd Addition to Wichita, Sedgwick County, Kansas.

East of Meridian and North of 45th Street North. Generally located east of Meridian and north of 45th Street North.

MOTION: That the Planning Commission recommend to the governing body that the requests be approved.

WARREN moved, **LOPEZ** seconded the motion, and it carried unanimously (12-0).

3/8. Case No. DR 99-4 – Street name change (Jackson Street), located west of 127th Street, between Douglas and Central.

DALE MILLER, Planning staff "Commissioners, we have Deb Shauers from the Fire Department is here. She is a member of the Address Committee, and may be the Chair of that committee. They are responsible for reviewing street name changes and trying to maintain some sense of continuity. She can probably answer any background questions on this, if you have any."

GAROFALO "Could you just kind of brief us on why the change?"

DEBRA SHAUERS "Yes. I am with the Wichita Fire Department, and I am a member of the Address Committee. There are two Jackson Streets in the City of Wichita; actually, there are three in the entire county. In April, the Address Committee voted that we needed to make a change to one of those street names so that we would be more able to, especially in the case of an emergencies, make sure that we are able to efficiently locate people. But having two Jackson streets even causes delays in people's daily lives. I found that out by talking to some of the residents, so we did vote that we needed to make a change.

No one has really questioned that, it has just been a matter of what name the street should have. It pretty much got narrowed down to two names, Jackson Heights Street and Gilders Trail. What you should have in front of you is how the Address Committee voted on the August 2, and their opinions on which one would be better. It is really a pretty close tie as far as how the property owners feel about Jackson Heights versus Gilders Trail. You should have that information. That is really the situation. It was pretty close, really, as far as the residents out there and the people who own the property between whether they wanted Gilders Trail or Jackson Heights. Some of the people out there that owned property came up with the name Gilders Trail."

GAROFALO "Are there any questions?"

MARNELL "There is more than one Jackson Street; in terms of the number of addresses, is this the smaller of the two?"

SHAUERS "Exactly. There is the Jackson Street in the Riverside area that everybody is most familiar with, there is this Jackson Street, running north and west between Douglas and Central, and there is also a Jackson Street out by 63rd and Rock Road."

GAROFALO "Are there any other questions? I have one. Obviously, the name change is concerned with emergency situations more than anything else, I imagine."

SHAUERS "That's right. What can happen is when we have a tornado or a large wind storm, we get emergency service crews driving in areas they are unfamiliar with, and we could have crews that think they are going to the Jackson Street they are most familiar with and go to the wrong house."

GAROFALO "Or people calling in on an emergency 911 call."

SHAUERS "Right. Under normal conditions, 911 should catch it and send the appropriate crews, but if I were a crew that normally worked downtown, I may be out east in one of those situations, and if they told me to go to Jackson Street, I may come clear back across town and go to the wrong Jackson Street."

GAROFALO "Was the Address Committee concerned about the fact that the Jackson Heights, if somebody did call in, if they were used to the street being called Jackson, they might just say, whatever the address is, Jackson Street, instead of saying Jackson Heights."

SHAUERS "Yeah, I think you have hit on the reason why the Address Committee chose Gilders Trail over Jackson Heights last week. That is because it is more distinctly different, and any time you can do that, it is better. We did come out with three initial suggestions. Jackson Heights being one of them, because I think whenever you are changing someone's street name, it is a pretty serious thing to ask people to do, and ask people to go along with, so we came up with that, initially, as something that might be easier to accept, but we do recognize that Gilders Trail would probably be a better choice as far as not sounding like anything we have existing."

GAROFALO "Are there any other questions? Okay. There is someone here from the public that wants to be heard. Will you give your name and address, please?"

JOHN GREENSTREET "Thank you, Commissioners. I live at 6100 East Central. I am one of the adjacent landowners and I don't know if the Address Committee got all of the appropriate names and requests in the right place. We own, adjacent to Jackson, at the corner intersection of Central and Jackson, in either one of my three different corporations, we own 12 acres, Ms. Johnson owns 10 acres, and there is another group that owns another 10 acres. I don't think they were fairly represented proportionately as to the relationship to the request. So if anything, I would like to post-pone it for another 30 days until we could get together as a group and come back to you, if at all possible, rather than selecting a name and then changing it again, which would be, I think, a waste of time.

I do have a couple of signed affidavits by the Barths, myself and Pat Johnson who would elect to change the name to a different name, from Gilders Trail to Jackson Heights, or if that isn't acceptable to the Fire Department, postpone it to where we can, at least, have an opportunity to visit and come up with a third opportunity of a name selection. Thank you."

HENTZEN "Are you in agreement with the City that we ought to have a different name on this?"

GREENSTREET "I agree. That is not a problem. I think it is appropriate that the name does change; however, I think that we would like to select a different name rather than Gilders Trail."

MCKAY "I thought that in Subdivision that that had already been done, that they had already had meetings."

SHAUERS "We have sent out a total of four letters now. Two of them were from the Address Committee, and I sent those out. Basically, what I was doing was asking everyone to let me know what they chose. We did defer this once, and this is why they deferred it. What he is basically telling me today, if you will look at the top sheet that explains the property owners, I believe this is what he is saying. He is taking his vote from Magdalene and changing it to Jackson Heights. Is that right, you would be okay with Jackson Heights?"

GREENSTREET "Either Jackson Heights or I would like to sit down with the group and do something different if we are not going to do Jackson Heights."

SHAUERS "Right. And that is really, basically what the deferral was. I think it is important, if you have something from Mr. Barth saying that he would like Jackson Heights? Okay, Virgil Barth is the last person on this name. If you take what he is saying, I mean really, I am here today representing the Address Committee, and the Address Committee is more concerned that we change the street name. We were okay with Jackson Heights or Gilders Trail. If you change the two votes that he is talking about, you really have a few property-owners now or one more property owner that wants Jackson Heights and Gilders Trail."

Like I said, the Address Committee is really not that concerned about which name it is. So I don't really know if we need to defer this or not. It is really up to you."

FRYE "You could live with either one?"

SHAUERS "The Address Committee would be fine with either one."

KROUT "Mr. Greenstreet, do you have a preference, and do you think the other owners you are representing have a preference of a third name to Jackson Heights?"

GREENSTREET "Jackson Heights was preferable over Gilders Trail, and if not that, we were thinking of possibly Magdalene because of the new church that is going in across the street, but that hasn't been thoroughly discussed. But at this point in time, Jackson Heights would be acceptable, yes."

KROUT "So it is acceptable."

GREENSTREET "Yes."

GAROFALO "Are there any other questions? I have one quick one, John. What seems to be the objection to Gilders Trail? I am not even sure where Gilders Trail came from."

GREENSTREET "I think it was part of the Gilders Garden Addition, the name derived from some of the adjacent owners. But we just felt for, as far as recognizability it would be easier for something that wouldn't be changing from Jackson to Gilders Trail if it went from Jackson to Jackson Heights, that would be a little more acceptable."

WARREN "I guess it would be up to the Fire Department, but do you see any real risk in waiting 30 days?"

SHAUERS "No, not at all."

FRYE "It sounds to me like we don't need to wait 30 days. We just heard from the Fire Department who is representing the Address Committee. They can live with either one of these names. We have some property owners here that really prefer Jackson Heights. It does seem to be in line with the name before. I think we ought to just move ahead and change it to Jackson Heights."

SHAUERS "I would like to say one other thing. I think Mr. Greenstreet is officially changing his vote. If you look at this and you only count him because he is here, it is an even tie."

FRYE "But the Committee, you are saying the Address Committee...."

SHAUERS "And the Committee is really fine with either of them."

FRYE "Right."

MOTION: That the name of the street be changed to Jackson Heights.

FRYE moved, **CARRAHER** seconded the motion.

GAROFALO "Is there anyone else who would like to speak on this matter?"

RUBY JOHNSON "I would. I am not much of a public speaker, but I have lived on Jackson Street for 30 years, at 321 Jackson East. That is how I always give the address. I don't say East Jackson. That way they get out there. And with your zip code, 67206, that has never seemed to be a problem before. To me, it would be so much simpler to say Jackson Heights. No one has ever heard of Gilders Trail before. So, could you imagine your friends, or people who come from out of town over a period of 30 years, how will they know where to go? They will think you have moved. I mean really, think about it. It makes me want to cry.

That street was named after the old man that owned that land. His name was Jackson. It would be nice, to me, if it was left Jackson. He may be gone from this earth, but to me, it would be nice if it was left Jackson Heights."

GAROFALO "He must have been pretty popular, this Mr. Jackson. There are Jacksons all over the place."

JOHNSON "And, give the zip code, 67206, when you are calling in to 911. Thank you."

GAROFALO "Are there any questions? Is there anyone else to speak on this? All right. We have a motion to make a name change to Jackson Heights, and a second. Is there any discussion?"

VOTE ON THE MOTION: The motion carried unanimously, with 12 votes in favor. Fulp and Johnson were not present.

FRANK GAROFALO, Vice-Chair, read the following zoning procedural statement which is applicable to all City of Wichita zoning cases:

Before we begin the agenda, I would like to take this opportunity to welcome members of the public to this meeting of the Metropolitan Area Planning Commission. Copies of the agenda for today's meeting, the public hearing procedure, and copies of staff reports on zoning items are available at the table nearest to the audience.

The Commission's bylaws limit the applicant on a zoning or subdivision application and his or her representative(s) to a total of ten minutes of speaking time at the start of the hearing on that item, plus up to two minutes at the conclusion of that hearing. All other persons wishing to speak on agenda items are limited to five minutes per person. However, if they feel that it is needed and justified, the Commission may extend these times by a majority vote.

All speakers are requested to state your name and address for the record when beginning to speak. When you are done speaking, please write your name and address, and the case number, on the sheet provided at the table nearest to the audience. This will enable staff to notify you if there are any additional proceedings concerning that item. Please note that all written and visual materials you present to the Commission will be retained by the Secretary as part of the official record. If you are not speaking, but you wish to be notified about future proceedings on a particular case, please sign in on that same sheet.

The Planning Commission is interested in hearing the views of all persons who wish to express themselves on our agenda items.

However, we ask all speakers to please be as concise as possible, and to please avoid long repetitions of facts or opinions which have already been stated.

For your information, the Wichita City Council has adopted a policy for all City zoning items, which is also available at the table with the other materials. They rely on the written record of the Planning Commission hearings and do not conduct their own additional public hearings on these items.

ZONING:

4. **Case No. CU-532** – Bee Dee Clay Company c/o Phil Farha (Owner), and Don Folger (Agent), request a Conditional Use permit to allow a car wash within 200 feet of residential zoning on property described as:

Lot 4, Beedee's Replat, an Addition to Wichita, Sedgwick County, Kansas, generally located north of 13th Street North and west of St. Paul.

KEITH GOOCH, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: The applicant is requesting a Conditional Use permit to allow a car wash to be located within 200 feet of residential zoning. This .92 acre platted tract of land is currently zoned "LC" Limited Commercial and located north of 13th Street North and west of St. Paul.

The attached site plan shows a seven-bay car wash located approximately 90 feet north of 13th Street North. Six of the car wash bays would be self-service with the other one being automatic and located in the middle of the car wash. There are three vacuums located just south of the car wash facility. Fourteen parking spaces to be used as drying stalls are located north of the car wash with the remainder of the lot to be used for landscaping and open space (approximately 64 feet). However, the site plan does not identify any landscaping to be used to buffer the residential properties to the north. Staff is recommending a 15-foot landscape buffer and solid row of evergreen trees be planted along the north property line to provide additional buffering. A 20-foot platted alley also separates this facility from the residential properties to the north.

The car wash facility would be located five feet from the east property line and 20 feet one inch from the west property line, which serves as the driveway between the back portion of the lot and access to 13th Street North. The City of Wichita's two-way driveway standards require a 24-foot wide driveway. The attached site plan also shows two 30-foot wide driveways providing access to 13th Street North. Planning staff and Traffic Engineering are requesting the western most driveway be removed to provide more separation from this driveway to the driveway located on the adjacent property. The remaining driveway on the application area also aligns with the existing driveway on the funeral home property located to the south across 13th Street North. The western driveway shown on the site plan would be in direct conflict with left turns from the driveway south of the application area.

The Unified Zoning Code requires a Conditional Use for car washes, which are located within 200 feet of a residential zoned property. Section III-D.6.f. of the Unified Zoning Code establishes the standards that apply to car wash facilities in all zoning districts. Those standards relate to setbacks from major streets, other streets and residential zoning, fences, paving, lighting, signs, noise, street access, drainage and maintenance. The site plan indicates general compliance with the minimum requirements. The plan has been reviewed and approved by traffic standards as being in compliance with traffic engineering standards for turning radii, size of parking space, etc. However, the width of the two-way driveway located along the west property line does not meet the required 24-foot wide driveway standard.

There are residential properties located to the north on property zoned "SF-6" Single-family. To the west of the application area is a night club on property zoned "LC." South of this site is funeral home, while east of the site is an auto repair business. The property to the east and south is also zoned "LC."

CASE HISTORY: A portion of this lot was originally platted as Lot 4, Block 1, Farha Addition. The eastern 100 feet of Lot 4, Block 1, Farha Addition was approved for a car wash. The BZA approved the use exception in 1966, subject to the applicant meeting 14 conditions. These included the applicant setting the car wash building 60 feet from 13th Street North, a 6-foot high masonry, architectural tile, or louvered wood wall being constructed along the north property line, meeting certain parking requirements, and standard requirements of car washes which are also placed on proposed car washes today.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6"	Single family homes
SOUTH:	"LC"	Funeral home
EAST:	"LC"	Car repair shop
WEST:	"LC"	Nightclub

PUBLIC SERVICES: This site has access to 13th Street North, a four-lane roadway with current traffic volumes of 19,026. The 2030 Transportation Plan estimates that these volumes will increase to 24,500. 13th Street North is expected to be expanded to five-lanes by the City of Wichita Capital Improvement Program in 2006 and 2007. Municipal services are available to serve this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for commercial uses. Although the Comprehensive Plan does not have guidelines specific to car wash operations, the plan's "Commercial Locational Guidelines" recommend the following:

1. Commercial sites should be located adjacent to arterials or major thoroughfares and should not feed directly onto local residential streets.
2. Commercial uses be located in "planned centers" with site design features which limit noise, lighting, and other activities so as to not adversely impact surrounding residential areas
3. Low-density residential uses should be separated from adverse surrounding land use types such as ... commercial areas. Appropriate buffering includes open space, bodies of water, abrupt changes in topography, and a combination of landscaping and walls.

RECOMMENDATION: A car wash is not the most desirable use abutting single family uses. In our opinion, the noise generated by the dryer of an automatic car wash would be excessive at this location for the residential properties to the north, despite the distance and buffering. However, due to the fact there is 135 feet of separation between the residential property and this car wash, a solid row of evergreen trees requested by staff, and a proposed six foot cedar fence along the north property line; staff is recommending that the request be approved, subject to the following conditions:

1. The site shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
2. The applicant shall submit a landscape plan for approval by the Planning Director, prior to issuance of a building permit, that includes a minimum 15 foot landscaped strip along the north property line, and includes at least a solid row of evergreen trees along that line.
3. The car wash facility shall be constructed in substantial conformance with a revised site plan which shows the removal of the western most entrance, the applicant providing a 24 foot drive as required by traffic standards along the west side of the car wash, removal of the automatic car wash, and all improvements, including landscaping as required by City Code, shall be completed before the facility becomes operational.
4. Outdoor lighting sources shall employ cut-off luminaries and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded from the neighboring lot such that light trespass and glare are minimized.
5. Any violation of previously mentioned conditions shall declare the Conditional Use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is located in a primarily commercial district with commercial uses located to the east, south and west on property zoned "LC." North of the property is a 20-foot wide alley, with single-family homes north of the alley zoned "SF-6."
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned Limited Commercial and could be developed with a use permitted in this zoning classification. A car wash is permitted in the "LC" district provided that a Conditional Use permit is obtained.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Through the requirement of the solid row of evergreen trees, six foot cedar fence and 135 feet of separation between the car wash and the residential property, the impact on the single-family homes should be minimized. The car wash should have little if no impact on the adjacent commercial properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: This property is shown to be appropriate for commercial use by the Wichita Land Use Guide, which this request does conform to. The commercial locational guidelines recommend low-density residential uses should be separated from adverse surrounding land use types such as ... commercial areas. Appropriate buffering includes open space, bodies of water, abrupt changes in topography, and a combination of landscaping and walls. Therefore, with the requirement of the screening fence and solid row of evergreens, staff believes that the commercial locational guidelines will be met.
5. Length of time subject property has been vacant: A car wash was located on this property in the past. However, the car wash was torn down and the property has remained vacant for at least seven years.
6. Impact of the proposed development on community facilities: This development will generate additional traffic. However, by removing the western most entrance to only allow one opening to 13th Street North, this development should not significantly impact the turning movements of the surrounding land uses.

GOOCH "CPO Council 6 did hear this request last night and voted 7-0 to recommend that the request be denied. That should be on the table. Are there any questions of staff?"

LOPEZ "On the CPO report, it indicates that there are already two car washes in the area. Where are they?"

GOOCH (Indicating) "One is right here. That is the car wash that I just pointed out on the slides, and I think the other one is part of the Amoco service station here at this corner."

OSBORNE-HOWES "Do you know how old those other two, not counting the Amoco, how old the other car wash is?"

GOOCH "No."

OSBORNE-HOWES "Can you point out those sites again?"

GOOCH "Here is one and here is the automatic one, I think."

OSBORNE-HOWES "Thank you."

LOPEZ "The fourteen neighbors who submitted petitions, they represent what per centage of the application area?"

GOOCH "We haven't figured that yet. The protest period doesn't end for another two weeks, so we usually wait."

WARREN "Do you have a guesstimate?"

GOOCH "I haven't checked out if they are actually legal, which means if they were within 200 feet, but it is probably close to 20%."

GAROFALO "Okay. Are there any other questions? Okay, we will hear from the applicant or agent."

DON FOLGER "I am the agent for the applicant, and also the architect for them. The applicant is also here. We are in agreement with the staff's recommendations as they were handed out to you today. I want to back up a little bit from that with one item and then also give you a little bit of background on this. When the applicant first came to me through the developer, wanting to do this, they were under the impression that this site was already set up for a car wash. There was a car wash there in the past and there are still remnants of that car wash, at least the concrete work and so on. The buildings have been torn down. We believe that it was the early 80s when that car wash was gone, so we proceeded with drawing the drawings to build a new car wash. When we went through Central Inspection, they asked for Conditional Use, so we went back and had record of a BZA that showed that you, and BZA used to allow you to do a car wash, that you could have a car wash on that site.

When that was researched, we found out that the east 100 foot of this 160 foot lot was zoned for a car wash, or had a BZA of record. Marvin might have to explain all of the particulars of that. Joe sat in a meeting with us where we tried to determine exactly what we could do. The only thing we could do, there is just no way unless we wanted to build a car wash with only four bays. To build a seven bay, we would need to get a Conditional Use. So that is why we are here, because we want to build one that would take full advantage of the lot. It is my understanding that we would not need to come here, based on the fact that there is a BZA if we only wanted to use the east 100-foot of that lot.

So with that, the original staff report had a few items that we had some problems with that had to do with the traffic. We worked those out yesterday afternoon and that is why you have this revised schedule. We were willing to make as many changes as we could to make it work. The only one we have a problem with is item No. 3 that Keith mentioned. My client would like to put vacuums after you go out in the drying areas. If you are looking at your drawing, you can see the car wash and then you go through the car wash and there are drying stalls. There are fourteen of them on the backside. That is approximately 66 feet to the property line and he would like to put vacuums in there.

Under the same regulations that Keith mentioned, it was for a different client, but I represented the car wash that did the one on 32nd Street also, and we came to that agreement. So that would be their 'want list' of what they would like to do. The other thing they are doing that is not on here is Item No. 2 about the landscaping. They are putting up a concrete wall at the north property line next to residential, versus just a cedar fence. That is to benefit them, and also to help take care of some of the buffer between the residential. With the landscaping, we are required to put a tree every 40 foot along that area, so that is just part of the standards that we would be doing, along with the concrete wall.

They found that with using cedar fence, it gets graffiti written all over it and it looks bad in a short period of time, and it is easier to clean off the concrete walls, even though they are more expensive. So, we are in total agreement with everything then that was presented by the staff, except we would rather put the dryers in.

Another thing Keith did not mention, when we flipped this thing, all based on the traffic engineering, that is why we did it, the funeral home across the street didn't want to have conflicts with the exiting and the drive coming out of the funeral home.

We did flip the whole building. The automatic bay then becomes on the west side of the mechanical room instead of the east, as it is shown right now. So it would just be flipped. That is all I have."

GAROFALO "Does anyone have any questions for the agent?"

OSBORNE-HOWES "It talks about the cut-off on the lighting at 10 p.m. Are you in agreement with that, and the hours of operation?"

FOLGER "Well, it doesn't say anything about the hours of operation in there."

MILLER "It doesn't."

FOLGER "It just says 'outdoor lights shall employ cut off luminaries'. That is standard in all of the car washes we do. It is a deal that you put on there so that it chops the light off and it can only go so far away from your building."

OSBORNE-HOWES "I know that we have done other car washes, and that is like 10 feet. I don't know if we have, but I know BZA has."

FOLGER "We would like for the car wash to be able to be open all hours. If that became a condition of it, then I would have to ask the applicant and see. The property owners are here so we could talk about that if you want to talk to them."

WARREN "Do I understand that back here in these drying bays you do have some vacuums in that area?"

FOLGER "We would like to have six vacuums back there."

WARREN "Six vacuums, and then you have six out front, don't you?"

FOLGER "Yeah."

WARREN "So I get orientated with this, to the east is this Club Liquid, is that right?"

FOLGER "That is to the west."

WARREN "Okay, and then to the east is kind of an open field?"

FOLGER "It is a Jiffy Lube repair, right on the corner."

WARREN "So the only residential is to the north, and it is across an alley?"

FOLGER "Yes. Well, I am not sure there is a true alley there that is operable, but there is a platted alley. What I was referring to for those of you who weren't around when the other car wash was done is to regulate that, if it becomes a sound problem and there is more than the standard street noise, there is a street level of noise, which it is hard to regulate, I would agree with that, but if that becomes a problem, the Health Department is the one, I understand, that regulates that. It would be reported to them. If it is not acceptable, then they would make us put timers on those vacuums so they would shut off at a certain time and it would just become a law that would be enforced. That is what would be done. Or, we would do that to start off with if that is part of the recommendation you guys would like to start with."

WARREN "Do you think your applicant would object if those northerly vacuums out there along that drying space cut off at 10:00 o'clock and allow these to the south to remain open?"

FOLGER "I don't think he would have any problem with that. You know, the traffic at 10:00 o'clock is not there at all."

WARREN "Really, that is the only noise factor you have out there that I can see that would maybe possibly be offensive after 10:00 or 11:00 o'clock."

FOLGER "He would be acceptable of that. What you have on a car wash is during the winter when you get the ice storms and then it gets hot, and everybody is wanting to wash their cars at once. If you are standing in line there trying to vacuum, and all of a sudden your lane moves up, it slows the whole traffic down. If people would just move on through and then use the vacuums on the back side during the day time, we could probably cut that off sooner than 10 o'clock, and he wouldn't be opposed to that."

PLATT "I am not sure I am clear on this, are you also objecting to Item No. 4, which prohibits dryers?"

FOLGER "No, we are not objecting to that. There will not be a dryer on the automatic bay. That was part of the problem on the original staff report, the conception that we were going to have an automatic dryer in the bay. This particular developer does not use those at all. Never has."

GAROFALO "Are there any other questions? Thank you. Is there anyone else here to speak in favor of this request? Is there anyone here to speak in opposition to this request?"

JIM WOODS "I live at 1411 Pleasantview. My property is directly behind the club. I would like to answer two of the questions that some of the Commission members had. One is that I believe the other car wash is approximately 3 to 4 years old, so it only been there that long. As far as the petitions, I was advised that we had 17 property owners within 200 feet of the property and 9 of them have signed the petitions opposing this. So if you want to figure the math on that, it would probably be a little easier."

Our concern is that since we have been here at our residence, we have constantly fought trash and noise from the club and from the other areas businesses. We have found condoms, syringes, beer bottles, soap boxes. You name it, we have found it in our back yard. On top of the noise of vehicles driving through, the noise from the club, the younger people like to crank their stereos up so loud that it has gotten to the point in that area that the pictures on our walls vibrate from the noise. Our quality of life has been

reduced because of the businesses in the area. We have called the Health Department and complained. We have had minimal success, but we are still constantly having problems. There is nothing stopping the trash from blowing into our yards.

Mr. Folger mentioned a 6-foot cement wall. That is totally inadequate. As far as I know, the wind in Kansas does not blow directly south to north. Any kind of wall at all would have to be on the east and west sides of the place. We would still have problems with trash, but at least it would be minimized. Because of current City codes, the other businesses would not be required to have any type of fencing between the property, as long as there is a fence, regardless of what type of fence it is. So if we have a fence, then all of their trash blows to our side.

As far as minimizing the noise, the current car wash on the south side of 13th Street, when we sit on our deck at night, we can listen to the vacuum cleaners go, and this is well over 100 yards away from our property. We can listen to the vacuum cleaners go, we can listen to the people pull in and crank their stereos up while they clean their cars, and it is at all hours of the day and night. We truly believe, and so do the rest of the neighborhood, that it would just completely reduce even what we have already been fighting and just compound the problem that we already have, especially if they decide that they want to put vacuum cleaners on the north side of the bay areas. It would be bad enough on the south side, because we will be hearing it all day long, and often as anybody want to be in there. They will have people coming in, cranking their stereos up and there is not going to be anybody there to tell people to turn them down. We can call the police, but by the time the police have time to get out there and stop them, they are gone. So, all we can do is ask you to please think about this. The CPO voted against it last night. If you do propose to go along with this plan, I do implore the Commission to re-evaluate the existing codes, which allow the current and future businesses that are diminishing our residential property values. That is all I have. Thank you."

LOPEZ "Were you present at the CPO meeting last night?"

WOODS "Yes, I was. Was the discussion brought up about the additional vacuums at the north end of the property?"

LOPEZ "Was the subject brought up about the additional vacuums at the north end of the property?"

WOODS "No. At the time, we were told that there were going to be vacuums on the south side. That is when we found out about the cement wall rather than a wooden fence and trees."

LOPEZ "Okay. Thank you."

GAROFALO "Are there any other questions? I have one. The car wash across the street, what is your experience as to how late and how much volume of traffic there is there?"

WOODS "It really depends. There are times that we will be out, sitting on our deck in the evening, and at 10:00 or 11:00 at night, usually on a weekend, we may hear the music going on clear up until 1:00 o'clock in the morning. There are times when we had to call the police for the noise coming in from the club. It is hard to distinguish whether it is the club or the car wash, but we can definitely distinguish the vacuum cleaners going on a quiet evening. We hear them crank up the vacuum cleaners. That is, like I said, quite a distance from our property."

GAROFALO "Okay, thank you. Is there anyone else to speak in opposition? If not, the applicant has two minutes for rebuttal."

FOLGER "I don't have very much in rebuttal other than just to talk a little bit about the zoning, which I mentioned before. This is Limited Commercial zoning already, and it is the property owner's desire for it to be developed at some point anyhow, so there is a lot of things that could go on this site that are worse than a car wash. So, without coming in front of this board or anything being heard there, we also, like I said before, a car wash could go in there, just not a seven bay car wash, as we had before."

The owners realize that the noise is an issue, but we cannot control the issue of people running their stereos whether it is a club, a restaurant, a car wash, or whatever. We are willing to work on the vacuuming situation. That is why we said we would be willing to have a time shut off on the rear vacuums, the northern vacuums, so that it doesn't cause them a problem, being any closer. That would be our way of trying to make it work. I don't have anything else."

FRYE "It was mentioned about the wall in addition to the back, but the one on the east was talked about maybe having, because of the trash, a wall would need to be on two sides rather than one. What is your comment with regard to that?"

FOLGER "I would say that we would not want to have to do that. It is a cost factor. This project is to the point, as I already mentioned, of construction. So, it has already been priced out and budgeted. Anything that is above what they were already planning on expending might just stop the whole project. So, it would be our desire not to have to do that. In terms of whether that would work to stop the trash and so forth, I don't know. This car wash is policed in a way that....there are not people there all of the time, but it is policed in a way that they come and clean the bays, clean the trash around the side during the non-peak times, which is kind of like right now, at least once to twice a week. During the peak times, in the fall and spring, it is a once a day thing. They have to clean out the bays and they clean the trash, etc."

I would rather have some kind of ordinance put it on it that the trash is picked up, and if it isn't something gets done than to have to put a fence up. I feel the same way he did that that wind is going to blow from who knows what direction, and we are going to get trash over on this site from the bar, if the bar is the one where the trash is being started from, etc. People coming to the car washes tend to dump all of their stuff in dumpsters. They have dumpsters, and they tend to keep those cleaned up."

There is a car wash right across the street, so this is a business deal. This developer that is going in here is saying 'I've got a better mouse trap than the guy across the street, and I think I can do a better job'. Then he had better keep it clean and he had better make it so the people will come back into there, or he is not going to make any money and he is putting a big investment in there."

FRYE "Do you know how many bays are in the one across the street?"

FOLGER "I don't know. Six, maybe. I wouldn't want to say for sure, but it is the other direction. It isn't facing the street, it is perpendicular to the street and it is harder to tell how many bays are in there."

MICHAELIS "Don, in your original staff report, it had a recommendation in it to do trees, a continuous row of trees along the back. You mentioned one every 40 foot. Were you in agreement with the original recommendation to do them continuously?"

FOLGER "We really didn't want to do that because we didn't feel that that would fulfill it as well as the concrete wall which they were already planning on putting in. Those concrete walls, in terms of cost, it is more expensive to do the concrete wall and a tree every 40-foot than it is to do a cedar fence and a continuous row of trees. They really feel that they would rather do the concrete wall. We would rather not have to do that. It is something that we could consider, though, if that is the only way that would make the project fly.

I really think that the problem you have there is what density do you put, and what kind of trees, and how tall do they get to help stop some of these things. The other problem we have with car washes is if you develop a place where people can hide, it is not for the clientele coming in and it is not good for the guy that owns it. This particular client has had problems with that in the past at other locations where they fence all the way around the property and you get people in the back side of the car wash, hiding out in there, stealing the money and beating up his money machines, or causing trouble with the people in the car wash, and then the people won't come back. So, when you put those trees in there, it makes a nice place for somebody to hide back in there where it is unlit on the back part of the lot. So we would rather do the 'every 40 feet tree thing' and a more sturdy concrete wall."

WARREN "We have had car washes in the family, and nowadays, you have to have a good attendant if you want these things to work at all. He should be there several times a day or at least a couple of times a day. Trash isn't as big of a problem as it used to be. I would wonder, though, of the applicant, just as a kind of compromise issue, I understand that you have a fence now on the east side? At least it shows on this."

FOLGER "There is a partial one down part way, I believe."

WARREN "I was wondering if it wouldn't be too expensive, maybe to satisfy yourself with a requirement that we would have a fence along the west side for the northerly 100 feet? That would have a tendency to catch any trash that would maybe blow into that area. That isn't a very expensive requirement, if you go with a wood fence. A six-foot wood fence, kind of like you have on the east, I assume.

It indicates here that we have an existing 6 foot wood fence, to remain, on the east side."

FOLGER "We would rather not have to put that in, but if that is something that you feel needs to be done, then make it a part of your recommendation."

WARREN "I don't think that the whole thing ought to be fenced, but I can see that back 100 feet, maybe would be nice with a wood fence to tie into the all concrete wall."

FOLGER "I am not sure you would even have to do 100 feet. That bar that is on the west side doesn't set 100 foot off of that back property line, I don't believe. I don't think you would need to come any farther than the back of that bar. Part of the problem is that we are not going the full depth of the lot. We have 66 feet back there at the back."

WARREN "How many?"

FOLGER "Sixty-feet behind the back of our concrete clear to the back property line."

WARREN "In back of your concrete wall?"

FOLGER "Yeah."

WARREN "Who is going to maintain that?"

FOLGER "The concrete wall is going to be on the property line. Well, it would be inset about 5 feet or so, so from that point to the back of the concrete in the drying stalls, it is 66 feet from the property line. The developer will maintain it. It will be mowed, etc. I would probably say that that area, if you were going to require a fence, would be what we would want to do with the fence."

WARREN "What you are suggesting, then, is that the fence begin on your back fence and come up to the rear of that club?"

FOLGER "Or 100 feet, whichever is less."

WARREN "Yeah, 100 feet or to the back of that club."

FOLGER "I wouldn't want to go any farther than that. I think that is defeating the purpose. I don't think that helps the neighbors any because of the club."

WARREN "That depends on how that club runs. I have seen these car washes be inundated with people wanting parking spots out of clubs. I don't know how many parking spots they have in the club, but..."

FOLGER "I can see that happening also, late at night, they just go over there and park."

WARREN "You betcha. And every time a windstorm comes up, they also come and fill these bays for you with these cars."

FOLGER "Yeah, I hadn't thought about that one."

MARNELL "I have a couple of questions. I think in terms of the wind around here, everybody knows that it generally blows from the southwest or the northeast. So, it looks like that east fence, the back fence would catch trash off of this property. It may not do it for other properties, but we are dealing with this one. That fence that is being put back at the back, the 6 foot concrete fence, would that not reduce the noise a lot more if it were put up immediately in back of the parking places where people pull in with their cars to vacuum, if right there is a 6 foot fence for the collection of sound?"

FOLGER "Yes, it would."

MARNELL "Would that create a problem?"

FOLGER "I don't know that it would create a problem for the developer of the property. I am thinking back, still, in terms of security. Once you get that up there, you have a no-man's land back there that is a place for kids to hide and do other kinds of stuff back there. Nobody is going to see them. When you put it close to the property line, they have to be in the other people's back yards to do that. I would agree that the sound would reduce there. It is going to deflect out. You are not going to totally eliminate it, but you are going to do better than if it is way out there. It is so disbursed by the time it gets to the wall that it is not going to be any more. The same way if you put trees back there. They are going to soften it a little bit more than the wall would. It would reflect it, but either one is not going to do much clear back at the back."

We might think about taking our trees that we are putting every 40 foot and putting them up closer to the parking lot because they are only 40 foot apart, but that isn't really going to help. We are putting them right at the point where the vacuum is, or something like that."

LOPEZ "Mr. Folger, you made the comment that the project had already been priced out and budgeted. Did that include the additional vacuums that are being proposed for the north end?"

FOLGER "Yes."

LOPEZ "That did include them?"

FOLGER "Yes."

LOPEZ "Then, why wasn't that discussed at the CPO meeting last night?"

FOLGER "Oh, it was discussed. I told the CPO the same thing I have told you. That we would like to have vacuums and that we would put shut-offs on them for time."

LOPEZ "The vacuums on the south?"

FOLGER "No. On the north. I said it for the north last night."

LOPEZ "Thank you."

GAROFALO "Are there any other questions? Seeing none, we will bring it back to the Commission for discussion."

OSBORNE-HOWES "Well, I just wondered if maybe Marvin or staff can bring us up-to-date on whether a car wash can go in the east 100 feet and a little bit of history on it. I also have another question. If I am remembering the car wash correctly, the one on 13th, it seems to me that they had to do a lot of reconfiguring. They had to do the stalls kitty cornered when you pull in. You have to pull in a different way. You have to do all of the drying at the front end."

KROUT "Dale, can you answer both of those questions?"

MILLER "This originally was one giant lot and the BZA case is from 1966. That will show you how old it is. What they approved was for the east 100 feet, and then the lot was replatted into several other lots, which, depending on whether or not the current east boundary line is the same as the original lot, then it would just be the east 100 feet, but at least at this point, we think it is the same. It may not necessarily be, but the short of the story is that is was one large lot, split into smaller ones. This was part of a larger lot that was left that was 160 feet wide, but the use exception only covered 100 feet."

OSBORNE-HOWES "That helps on one part, but the other part?"

KROUT "The other question was was there a BZA case on the car lot on the south side of 13th Street? I can't tell from here, but it looks to me like it may be more than 200 feet away from the nearest residential district."

OSBORNE-HOWES "I just remember there being lots of things added to that one, including reconfiguration that basically had people pull in and then go sideways and to run the bays from the opposite direction so they would be going parallel to the street and then pulling around to the front to do the drying in the front, totally."

MILLER "What we can tell from the zoning map is that there was a BZA case for this lot here, but it is covered up under the label for 13th Street, so we don't know which one it was."

OSBORNE-HOWES "I am pretty sure. No one here remembers that? I don't think I am dreaming that, so it must have been on the BZA side."

PLATT "I think that was 13th Street East. This is a long ways from residential, and you shouldn't have to do that."

OSBORNE-HOWES "No, I know, and I agree. I just can't remember why we went through all of those bells and whistles on it. One of the concerns that I have on this case as we go through it, if they go towards the back of the lot and they are drying, and particularly if it is open past 10 o'clock, it isn't just the noise of the dryers, but it can also be the music from their cars and such that can create the problem and bring it much closer to the neighbors. I know we have dealt with this, or at least I have dealt with this, on other car washes before."

KROUT "I think there have been some, not frequent, but sometimes we have asked the Board of Zoning Appeals to put time limits on the car wash uses adjacent to residential."

OSBORNE-HOWES "Technically, we are saying that it is okay as long as it is 200 feet away from residential zoning, and this one is how many feet away, that they are asking for?"

KROUT "This one is adjacent to it."

OSBORNE-HOWES "Adjacent to. Exactly. It isn't 200 feet away. So I think it would be more than fair, to either deny this, or to say that we are putting lots of restrictions on it."

WARREN "I am sure that everyone on this board is very sensitive to these residents to the north, and we don't want to discount that, but when you look at the fact that this lot can already have a smaller car wash on it without a Conditional Use permit at all, and then you look at the fact that it is zoned Light Commercial already, and there are certainly more offensive uses that can go there without coming before this board, onto that lot, and you look at all of those many uses that it may go to, I think this is a reasonable use for this lot. I think it is much better for those residents than many of the things that can go on there without our approval. With that, I am going to make a motion."

MOTION: Having considered the factors as contained in Policy statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: The application area is located in a primarily commercial district with commercial uses located to the east, south and west on property zoned "LC." North of the property is a 20-foot wide alley, with single-family homes north of the alley zoned "SF-6." The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned Limited Commercial and could be developed with a use permitted in this zoning classification. A car wash is permitted in the "LC" district provided that a Conditional Use permit is obtained. Extent to which removal of the restrictions will detrimentally affect nearby property: Through the requirement of the solid row of evergreen trees, six foot cedar fence and 135 feet of separation between the car wash and the residential property, the impact on the single-family homes should be minimized. The car wash should have little if no impact on the adjacent commercial properties. Conformance of the requested change to the adopted or recognized Comprehensive Plan: This property is shown to be appropriate for commercial use by the Wichita Land Use Guide, which this request does conform to. The commercial locational guidelines recommend low-density residential uses should be separated from adverse surrounding land use types such as ... commercial areas. Appropriate buffering includes open space, bodies of water, abrupt changes in topography, and a combination of landscaping and walls. Therefore, with the requirement of the screening fence and solid row of evergreens, staff believes that the commercial locational guidelines will be met. Length of time subject property has been vacant: A car wash was located on this property in the past. However, the car wash was torn down and the property has remained vacant for at least seven years. Impact of the proposed development on community facilities: This development will generate additional traffic. However, by removing the western most entrance to only allow one opening to 13th Street North, this development should not significantly impact the turning movements of the surrounding land uses.) I move that we recommend to the governing body that the request be approved, subject to the following:

1. The site shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
2. The applicant shall submit a landscape plan for approval by the Planning Director, which shows the required landscape street yard, tree buffer, parking lot screening and landscaping, a six foot wooden fence along the western property line 100 feet south of the north property line or to the north line of the building on the lot to the west whichever is less, and a six foot masonry wall along the north property line.
3. The applicant may be permitted six vacuums north of the car wash facility but these shall employ cut off devices which turn the vacuums off by 10 p.m. every night.
4. The car wash facility shall be constructed in substantial conformance with a revised site plan which shows the site plan reversed and providing a 24 foot circulation aisle as required by traffic standards along the east side of the car wash, and a 24 foot driveway to 13th Street North along the eastern property line which provides at a minimum 30 feet of separation between this drive and the 30 foot driveway shown in the center of this lot. All improvements, including landscaping as required by City Code, shall be completed before the facility becomes operational.
5. No dryer shall be permitted as part of the automatic car wash shown on the site plan.
6. Outdoor lighting sources shall employ cut-off luminaries and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded from the neighboring lot such that light trespass and glare are minimized.
7. Any violation of previously mentioned conditions shall declare the Conditional Use permit null and void.

WARREN moved, **HENTZEN** seconded the motion.

OSBORNE-HOWES "Would you be at all open to also having the operation close at 10:00 o'clock?"

WARREN "No. I don't think that is a big problem. The only time it is a problem is when people have their windows open, and that is about it. It is a big problem, because it is 3 to 4 months out of the year, but in the winter time it is not a problem, and in the real hot summer time, you have the air conditioning on and it is not a problem."

FRYE "Are you talking about the noise from the stereos in the cars?"

OSBORNE-HOWES "Well, I am thinking that if it is still open at 11:00 o'clock, you are still going to have people with their stereos back there."

FRYE "Right. And I can tell you that it doesn't make any difference. You could have your windows closed and sealed, because we have young people next door to us and they come home at midnight, and the whole house shakes. Our whole house. And I have a brick house. It is disgusting."

WARREN "But that same problem exists on many things that can go onto this lot."

FRYE "Oh, I don't disagree with that."

PLATT "In general, I am opposed to car washes being anywhere near residential areas. I think this one is a marvelous example of why. I don't think we have any business putting a car wash next to residential areas. I think to say that we could have something worse there is sort of like saying to somebody 'you could get smallpox, so we are going to give you chickenpox and you are going to like it'. I don't think they should like it at all. I certainly can't support the motion."

WHEELER "Let me ask the applicant, have you looked at re-aligning this, or different configurations that might minimize this additionally, other than what you have laid it out?"

FOLGER "We have not looked at anything other than I know that for merchandising the car wash that the developer would not want to turn it sideways, perpendicular to the street because that is the best way to merchandise a car wash, in his opinion. The only other way that I could see that you might want to do it is to move the car wash back closer and put the drawing stalls up on the front part of the lot, but then the car wash gets closer to the people, and I don't know which is the worst of the two. I would think it would be better just to cut off the vacuums at a certain time than to do that. The only thing that would do is that the people with their stereos are going to be at the front of the lot. Is that going to help any, being on the other side of the building to keep the sound off? We had not looked at that. I think if that was your recommendation, though, we would want to have an opportunity to respond to that instead of voting on the motion, or however you handle that formally, so that we could come back with something to you."

OSBORNE-HOWES "I don't think I can support this, the way it is configured."

GAROFALO "I might comment. I have a concern about this being so close to residential, and I have a problem with putting those vacuums even at 10:00 o'clock at night, cutting them off. I know they will be able to hear all of that noise from the vacuums on the south side, much less putting more of them in on the north side. It is going to create a massive problem, I think. I don't think I can support this either. Is there any other discussion?"

MICHAELIS "I would just like to say that in my opinion, I would think that the club that is already there would probably be much more offensive than what this car wash is going to be, and probably not maintained as well, kept up as well. I guess if you had to look at the whole strip of Limited Commercial projects and pick some that you would want to go in there and it to be a preference, to me this would certainly be one."

KROUT "I think that you might take into consideration that the club is a non-conforming use. Nightclubs and drinking establishments, like car washes, now require Conditional Uses if they are within 200 feet of a residential district. As long as there is a club in there, it can continue as a 'grandfathered' use, but the idea of nonconforming uses, someday it is going to go away, and to me, that is a similar argument to the smallpox, chickenpox argument."

GAROFALO "Also, I think it is a matter of that you can compound the problem. I think that is what will occur. Is there any other discussion?"

VOTE ON THE MOTION: The motion carried with 7 votes in favor (Wheeler, Marnell, Warren, Carraher, Michaelis, Frye, and Hentzen) and 4 in opposition (Lopez, Platt, Garofalo and Osborne-Howes) McKay abstained. Fulp, and Johnson were not present.

KROUT "Let me just tell you that because we know that protests have been filed within the radius, this case automatically goes to the City Council and they will vote on it, depending on how many protests are filed within 200 feet. It may be a 6-vote requirement, or a 4-vote requirement by the City Council to approve this. They don't take testimony, as you heard earlier, but they will get the minutes from the Planning Commission, the staff recommendations, the CPO recommendations, and they will have the final decision. Or they may vote to send this case back to the Planning Commission.

One other thing I want to point out before we go to the next case. As you think about the future of the CPOs and what they substitute for CPOs, and the Planning Commission and its role, these new district advisory boards have proposed that they are not going to be involved in zoning cases. So the City Council is looking to the Planning Commission to try to provide meaningful input. Here was a case where you had 20 residents at a convenient time and place, at a CPO meeting to get input on this case, and one couple here this afternoon to get input on this case, so I am just suggesting that you think about that as you think about what is a meaningful process for all citizens as well as applicants, if we are going to take CPO out, what are we going to substitute it with in order to keep that process open and available for meaningful input."

FRYE "Is that a foregone conclusion?"

KROUT "No. I think that the City Council is looking for all kinds of input, including what is the role of CPO as well as the role of MAPC. But if that happens, what substitutes for it?"

5. **Case No. Z-3329** – Dr. Dewayne Hofer (Owner); Baughman Company, c/o Phil Meyer (Agent) request Zone change from "MF-18" Multi-Family Residential to "LC" Limited Commercial on property described as:

That part of Lot A beginning 62.89 feet north of the northwest corner of Lot B; thence north, 338.2 feet to the south line of Northbrook Meadow 2nd Addition; thence east, 145 feet; thence northeast, 38.06 feet; thence south, 70.97 feet; thence southwesterly along a curve, 85.5 feet; thence south, 184.95 feet; thence southwest, 7.22 feet; thence west 145.38 feet to beginning, Block 1, Chisholm Creek Addition. Generally located north of 37th Street North and east of Woodlawn.

LISA VERTS, Planning Staff, pointed out land use and zoning; and showed slides of the general area. She reviewed the following staff report:

BACKGROUND: The applicant requests a zone change from "MF-18" Multi-Family District to "LC" Limited Commercial District for 1.3 acres of Lot A, Block 1 of the Chisholm Creek Addition east of Woodlawn and north of 37th Street North. The 1.3 acres is currently vacant and there is no intended user at this time.

The subject property is bordered by single-family homes on property zoned "MF-18" on the north, condominiums on the east, vacant "LC" Limited Commercial zoned land on the south, and commercial and warehousing uses in the City of Bel Aire on the west and across Woodlawn.

Staff has noted that the property in question was subdivided without going through the legal means of subdivision. Any development of this property will require a legal split or replat of the property.

CASE HISTORY: The subject property was platted as part of the Chisholm Creek Addition on July 12, 1973.

ADJACENT ZONING AND LAND USE:

NORTH: "MF-18" – Single Family Homes
SOUTH: "LC" – Vacant
EAST: "MF-18" – Condominiums
WEST: "n/a" – Bel Aire Commercial and Warehouse

PUBLIC SERVICES: Municipal water and sewer service is available to this site. This property currently has frontage, but no access along Woodlawn, a planned four-lane arterial that is currently a two-lane road. As platted there is complete access control along Woodlawn with the only access point to this property through Chisolm Creek Condominiums. Staff will recommend that if a replat or vacation is filed, access to this site should be restricted to one driveway, located so as to minimize traffic conflicts with existing driveways along Woodlawn. Existing (1997) traffic volumes along Woodlawn north of 37th Street North are 9,900 average daily trips (ADT) and is projected to increase to 16,000 ADT by the latest modeling to the year 2030.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for low density residential. The commercial locational guidelines of the Comprehensive Plan recommend that commercial uses should be located adjacent to arterials or major thoroughfares that provide ingress and egress in order avoid congestion; however, the Plan also recommends that commercial development should be coordinated with high-density residential, employment, and other intensive uses. The site lies in a transitional location between commercial and low- to medium-density residential use.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request for "LC" zoning be DENIED, but we would look favorably on the property being rezoned "NR" Neighborhood Retail, subject to replatting or lot splitting the property within one year.

The proposed site lies in a transitional location. Neighborhood Retail is designed to be used for small retail uses. "NR" is a better transitional commercial zone than "LC" to bridge the change in land use at the corner of Woodlawn and 37th Street North from commercial to low- and medium-density residential typical of the area to the north and east of the site.

The purpose of the "NR" Neighborhood Retail District, which was added to the Unified Zoning Code adopted August 29, 1997, is "to accommodate very low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods." "NR" Neighborhood Retail allows the following commercial uses: ATMs, bank, bed and breakfast inn, broadcast/recording studio, medical service, office, commercial parking area, personal care service, personal improvement service, printing, restaurant with less than 2,000 gross floor area and without drive-in window service, and general retail. Some of the commercial uses excluded from "NR" but allowed in "LC", either as a permitted use or as a conditional use, would be animal care, car wash, construction sales and service, convenience center, funeral home, kennel, monument sales, night club, pawnshop, recreation, restaurant with drive-through facilities, secondhand store, service station, tavern, vehicle and equipment sales, vehicle repair (limited), and vocational school. Many of these "LC" uses offer greater intensity than desirable adjacent to medium- and low-density residential land use. The "NR" district also has sign controls that are more appropriate for this location.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area to the south is zoned "LC" and is developed with commercial uses; however, the area to the north and east is zoned and developed residentially. The property represents a transitional parcel between commercial and residential uses. Low intensity retail and office allowed in "NR" would be in character with this transition.
2. The suitability of the subject property for the uses to which it has been restricted: The application area is currently zoned "MF-18" Multi-Family Residential. It could be used for this purpose, although the presence of "LC" zoning on the south and warehouse/commercial across Woodlawn makes this undesirable.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The approval of "LC" Limited Commercial zoning would detrimentally affect nearby property zoned "MF-18" but used for single-family homes. The approval of "NR" Neighborhood Retail would serve to buffer the commercial uses at the intersection of Woodlawn and 37th Street North.
4. Conformance of the requested change to adopted or recognized Plans/Policies: This requested "LC" Limited Commercial rezone is not in conformance with the Comprehensive Plan which shows the site as low density residential. The "NR" Neighborhood Retail district would be in conformance to the purpose of the "NR" district to serve as a transition between commercial and residential neighborhoods.
5. Impact of the proposed development on community facilities: The development of this property will not negatively affect water or sewer service. Traffic improvements scheduled for the next five to seven years along Woodlawn should provide adequate capacity to handle the additional traffic generated at this site.

VERTS "CPO Council 2 voted 5-0 to approve this rezoning request, but wanted the Planning Commission know that 2 of the 5 members present saw that no sign was posted on this property as of last Friday. Are there any questions for staff?"

MICHAELIS "Just a point of clarification. In the CPO notes it says that they move to recommend disapproval."

VERTS "That must be a typo. I was there, and Russ was there, and we noted that they were voting to approve it."

MARNELL "What are you looking at, Jerry?"

MICHAELIS "The blue sheet, CPO minutes."

KROUT "That says they recommend disapproval of Limited Commercial, but approve of 'NR' Neighborhood Retail."

MICHAELIS "The way I thought she said it was that they voted to approve the zone change."

VERTS "To approve it as written, or approve 'NR'."

MICHAELIS "Okay."

MARNELL "What is the significance of the comment about the signs that the CPO made? Is it about notice?"

VERTS "As far as I know, the required public notification takes place within the paper and the property owner surrounding the case within 350 feet. The posting of the sign is the policy of the Metropolitan Area Planning Commission. It is simply a policy."

HENTZEN "Would you put that first picture back up? I want to ask you about it. To the south of that, it is Light Commercial."

VERTS "Limited Commercial, correct."

HENTZEN "And we are talking about 'NR' Neighborhood Retail on this piece. That little spot in between them?"

VERTS "That is actually the drive-way for the Chisholm Creek Condominiums. It is a pretty expansive driveway with a center monument sign. It would stay 'MF-18'."

HENTZEN "Okay."

FRYE "Mr. Chair, I am still confused because the CPO keeps talking about neighborhood residential in 'NR'. They don't mention retail. And then it goes on to say that Mr. Ross, and me knowing Mr. Ross as I do, I am sure that he meant residential, but it says that Mr. Ross stated that 'NR' Neighborhood Residential is preferable for the surrounding area."

KROUT "Do you think that that is a typo?"

VERTS "I think it is. The CPO staff member taking notes at this meeting was somebody filling in for somebody else. That is the only thing I can think of."

FRYE "All right. Then my question is, it was 5-0, so did Mr. Ross vote for Neighborhood Retail?"

VERTS "Yes."

FRYE "He did? That surprises me very much."

VERTS "He was against the speculative re-zone, but he felt that this was better than the Limited Commercial."

FRYE "That does surprise me, but I am happy to see Larry bend a little bit."

GAROFALO "Are there any other questions? Okay. We will hear from the applicant."

RUSS EWY "I am with the Baughman Company, agent for the applicant. Just a quick note. As a matter of fact, Mr. Ross made the motion to approve this."

FRYE "Thank you. He is not here today, and if he had been opposed, he probably would have been here. But it is still confusing. I want to tell you that this is not the first time. It happens on a routine basis that these blue sheets have a lot of typos and mis-information."

EWY "I wouldn't want to make undue apologies for the CPO member who was filling in, but they were down to pretty much a skeleton crew. This was an intern, to the best of my knowledge and it was the first CPO meeting she had ever conducted. Nonetheless, being the fact that it was only Lisa, myself, the CPO and a police officer in the room, but I can assure you that it was a recommendation for approval of the zone change and a recommendation to chastise the agent's applicant for failing to post notification on the property. I was fully prepared to lie about that, but I figured perhaps somebody saw me Tuesday morning at about a quarter to eight, pounding that sign in the ground out there."

They didn't necessarily want to tie up the approval of the zone change, they just wanted it to be brought to your attention, since it is your policy to defer cases for two weeks, I guess, until that sign has its 13 day posting. That would be something that you would have to consider. We would argue that notification had been mailed; not once, but twice, due to a minor typo in the first notification. To my knowledge, the planning staff has received phone calls from several different individuals from the area. We would ask you to consider that ample notification, but we would have no strong problem with it being deferred for adequate posting of the property. That is my fault, and I apologize for that.

Other than that, as Lisa said, we are in agreement with staff's recommendation of Neighborhood Retail, and would answer any questions that you may have."

WARREN "How large of an area is that? How many square feet? Oh, an acre and a third, okay. So about 50,000 square feet, or such. Would that be subject to the requirement of CUP? It wouldn't be large enough, would it?"

KROUT "No. Anything less than 6 acres would not."

WARREN "Would the difference between Light Commercial with an overlaying CUP versus Neighborhood Retail, how do you see that?"

KROUT "We want to not make every zoning case subject to overlays and special conditions. It is an enforcement problem, so we think the Neighborhood Retail is a big category. It was in the Code for about 10 or 12 years and got very little interest because it was maybe a little bit too strict, so we opened it up and made it more flexible. It will allow strip centers, basically, and other retail and office uses, but not the traffic generating, drive-through type restaurant uses and it seems to be a big category and working more for people. So to the extent that we can use standard zoning classifications and not get into overlays and CUPs, we like to use that."

WARREN "I am looking here at R & L Carpenter, I think, to the south. Do I detect that maybe that is going to be a Sonic?"

VERTS "The Sonic is the one to the south."

EWY "It is to the middle there. If you can imagine this strip being divided into thirds, it would be the middle third."

WARREN "Okay. It is the R & L Carpenter 3rd Addition. I guess he has Lots 1 and 2 and 8. Okay."

EWY (Indicating) "This would be a convenience center, this would be the Sonic drive-in, and this is an undeveloped piece of property."

WARREN "Okay."

GAROFALO "Are there any other questions? I have one for Marvin. This posting of the signs. The signs not being there. What does staff say about that?"

KROUT "I think you can handle those on a case-by-case basis. There doesn't appear to be anyone who missed out on the notification as a result of this. I don't think you don't need to defer it because of the sign in this case."

GAROFALO "Okay. Is there anyone else here to speak in favor of this application?"

SUSAN SCHAINOST "I live at 4012 Bayberry. I have lived in the Northbrook neighborhood since 1987, and have been an active participant of the Board of Directors of our Neighborhood Association. I represent the Board of Directors today. We are in favor of Light Commercial, although we would love single-family homes. We understand that that can't happen. The Sonic has done good things for our neighborhood. We have taken our property values into serious consideration since 1985 when the neighborhood was established. Homes were then valued at approximately \$80,000. Now our tax assessments are \$140,000, so we have worked very hard to keep our neighborhood looking nice."

We think we are a quiet little secret of Wichita. Yes, we have had some crime in our neighborhood, due to Coastal, due to Sonic, and in the area that is around the neighborhood, we have 11 acres of common ground. On that common ground, we have had criminals hide. We all know the signal when the helicopters are out with their searchlights; we turn on our lights. We have had gang participation across the railroad tracks in Bel Aire come into our neighborhood, we have had a gentleman held at gunpoint who was out jogging, so we are very diligent with keeping everybody informed of what is happening.

As an Association, we have met because we were not notified as an entire neighborhood. The adjacent cul-de-sacs received letters. A widow asked us 'what does this mean?' This is how the 112 homes in that neighborhood knew what was happening because Fern Brooks called and asked us to explain that to her. We met as an association, we met as a neighborhood, and I would like a point of clarification. What does Neighborhood Retail mean?"

KROUT "Neighborhood Retail allows retail and office uses. It doesn't allow large scale restaurants or drive-through restaurants or car washes or convenience stores or other uses that have a lot of the heavier traffic generating uses, but does allow typical strip centers with small retail in it, including small restaurants that are part of those strip centers. It does permit office uses and it has some more restrictive rules on the size of signs that you can put out in front of properties than the 'LC' does. Does that help?"

SCHAINOST "That is great. We did have one resident make a phone call and she was informed that there would be a bar there."

KROUT "It doesn't allow bars."

SCHAINOST "Great. We would highly approve Neighborhood Retail going in there, so we support that. Do you have questions for me as a representative of the Neighborhood Association?"

GAROFALO "Are there questions? Just to clarify, you are in favor, then of the Neighborhood Retail?"

SCHAINOST "Yes, sir."

WARREN "Did I also hear you say that you were in favor, then of Light Commercial?"

SCHAINOST "We looked at Light Commercial. Yes, we were in favor of Light Commercial, too. We were not in favor of multi-family housing that was there."

GAROFALO "Thank you. Is there anyone else here to speak in favor of this application? Is anyone here to speak in opposition?"

WARREN "Does the applicant not object to Neighborhood Retail?"

EWY "None of us do. We truly don't have an objection to the site being restricted to that."

WARREN "So you would be ready to withdraw your request for 'LC' and accept Neighborhood Retail?"

EWY "Right. The only reason we didn't do this, as I stated at the CPO meeting prior to the staff report coming out, was that the applicants weren't able to be reached to discuss the staff comments."

GAROFALO "Are there any other comments or questions? If not, we will bring it back to the Commission."

MOTION: Having considered the factors as contained in Policy statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: The area to the south is zoned "LC" and is developed with commercial uses; however, the area to the north and east is zoned and developed residentially. The property represents a transitional parcel between commercial and residential uses. Low intensity retail and office allowed in "NR" would be in character with this transition. The suitability of the subject property for the uses to which it has been restricted: The application area is currently zoned "MF-18" Multi-Family Residential. It could be used for this purpose, although the presence of "LC" zoning on the south and warehouse/commercial across Woodlawn makes this undesirable. Extent to which removal of the restrictions will detrimentally affect nearby property: The approval of "LC" Limited Commercial zoning would detrimentally affect nearby property zoned "MF-18" but used for single-family homes. The approval of "NR" Neighborhood Retail would serve to buffer the commercial uses at the intersection of Woodlawn and 37th Street North. Conformance of the requested change to adopted or recognized Plans/Policies: This requested "LC" Limited Commercial rezone is not in conformance with the Comprehensive Plan which shows the site as low density residential. The "NR" Neighborhood Retail district would be in conformance to the purpose of the "NR" district to serve as a transition between commercial and residential neighborhoods. Impact of the proposed development on community facilities: The development of this property will not negatively affect water or sewer service. Traffic improvements scheduled for the next five to seven years along Woodlawn should provide adequate capacity to handle the additional traffic generated at this site.) I move that we recommend to the governing body that the request be approved, subject to staff comments and recommendations.

FRYE moved, **LOPEZ** seconded the motion, and it carried unanimously (11-0).

Item taken out of order:

7. **Case No. DP-50 Amendment #2** – Home Depot c/o Mike Boyd (Owner); T.G. Davis Jr. c/o KDA, Inc. (Contract Purchaser); Austin Miller c/o Tim Austin (Agent); Everett Fettis (Agent) request an amendment to Parcels 4 and 6 of the Carriage House Plaza CUP to allow outdoor vehicle sales on property described as:

Lots 2 and 4, Carriage House Plaza 4th Addition, Sedgwick County, Kansas. Generally located northeast of McCormick Avenue and Kellogg Frontage Road, east of Home Depot. Generally located northeast of McCormick Avenue and Kellogg Frontage Road, east of Home Depot.

GAROFALO "Is there anyone here to address this item?"

KROUT "This is at Kellogg and McCormick, near Woodchuck."

GAROFALO "This case was on the agenda for clarification, but we no longer need that clarification, so the case will not be heard."

- 6. **Case NO. Z-3330** – Kenneth D. Denton (Owner), requests zone change from "TF-3" Two-family residential to "LC" Limited Commercial on property described as:

Lot 7, All Saints Addition to Wichita, Sedgwick County, Kansas. Generally located south of Harry and east of Yale Avenue (1612 S. Yale).

LISA VERTS, Planning Staff, pointed out land use and zoning; and showed slides of the general area. She reviewed the following staff report:

BACKGROUND: The applicant requests a zone change from "TF-3" Two-Family Residential District to "LC" Limited Commercial District for the 0.18 acre platted Lot 7 in the All Saints Addition south of Harry and east of Yale Avenue. The lot, which is 60 feet by 135 feet, has an 8-foot utility easement along the rear property line. A single-family home is currently located on this lot. The applicant requests the rezone to extend the current parking for Tillie's Flower Shop located directly to the north and for possible future building expansion.

The subject property is bordered by Tillie's Flower Shop on the north on property zoned "LC" Limited Commercial. Property to the west is also zoned "LC", but it is currently being used for a triplex complex. To the south, on property zoned "TF-3" Two-family Residential, is a single family home. The property to the east is zoned "GO" General Office, but is current being used for a duplex residence.

CASE HISTORY: The subject property was platted as part of the All Saints Addition on November 1, 1952.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" – Tillie's Flower Shop
SOUTH: "TF-3" – Single-family residence
EAST: "GO" – Duplex residence
WEST: "LC" – Apartments/Triplexes

PUBLIC SERVICES: Municipal water and sewer service is available to this site. Yale Avenue, a local street, provides access to this site, but no traffic volumes are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies strip commercial uses along Harry between Hillside and Terrace. The commercial locational guidelines of the Comprehensive Plan recommend that commercial uses should be located in compact clusters versus extended strip developments, except for areas and streets where these uses already exist or where traffic patterns, surrounding land uses, and utilities can support such uses. The Plan also recommends that commercial development should have site design features that limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas. The MAPC has an unofficial policy of supporting the expansion of existing businesses when appropriate.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to the dedication of an additional 2 feet of utility easement along the rear property line by separate instrument.

Any future expansion into surrounding lots should require re-platting of all properties involved.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning and land uses are predominantly commercial to the north and west.
2. The suitability of the subject property for the uses to which it has been restricted: The application area is currently zoned "TF-3" Two Family Residential. It could be used for this purpose, although increased commercialization along Harry and on-street parking problems makes this option less desirable
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zoning would merely be an extension of the existing use to the north. Additional parking for Tillie's Flower Shop might help to alleviate existing on-street parking problems on Yale. The standards for screening, landscaping, and lighting in the City Codes should provide appropriate buffering for the home to the south and duplex to the east.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies strip commercial uses along Harry between Hillside and Terrace. The commercial locational guidelines of the Comprehensive Plan recommend that commercial uses should be located in compact clusters versus extended strip developments, except for areas and streets where these uses already exist or where traffic patterns, surrounding land uses, and utilities can support such uses.
5. Impact of the proposed development on community facilities: The applicant's request should not have a negative impact on community facilities. The proposed use would have minimal impact on traffic in the area.

VERTS "Staff is recommending approval on this, subject to the dedication of an additional 2 feet of utility easement along the rear property line. The applicant has questioned this 2-foot dedication and after looking into it, staff would be willing to waive the easement dedication, if we could have the Subdivision Committee review the request, along with the utility representatives that are there at the Subdivision Committee meetings. If they agree that the 2 foot dedication is not needed, then the rezone request can be sent on to the City Council without the easement dedication attached. The applicant is in agreement with this condition, and the CPO has not heard this, but they will hear it tonight. Are there any questions of staff?"

MARNELL "Why are they asking for a two foot easement to begin with?"

VERTS "The easement along the back is 8 foot, or a 16 foot standard easement. It is the policy of the Planning Department to upgrade those easements to a 20-foot or a 10-foot half easement."

PLATT "If staff is supporting this, does that mean, in essence, that you are willing to proceed then, in rezoning that entire block? It seems to me that if we destroy one more single-family house, then we bring commercial up against the next single-family house, and we start in motion the process of transforming that whole block, it would seem to me. Does staff feel that that is a good idea?"

VERTS "All I can add to that is that this little bit here seems to be an orphaned bit of residential. Perhaps Marvin might add something to that issue."

KROUT "I think we would look at it as it comes. You know, we have had a policy with the frontage of Kellogg to permit the piecemeal zoning and that is maybe what is happening here to go down to the next block. But when we did that, we always wanted to make sure that there was going to be a good edge that was going end at a block with some landscaping and screening that would be more than the Zoning Code requires today. So, if it came in, we would look at it carefully, but we wouldn't necessarily say no, especially if it was for the expansion of an existing business. I think if you have the right access controls and buffers and screens, it may be a better edge to end it at the street than to have it along the middle of a block."

HENTZEN "What Marvin said reminded me to say that probably zoning that all the way down to the street would enhance those residential property owner's chances of getting a better price for their house, just as an observation. And if it was zoned to see the big red on the right and the red on the left, going down to that street, I think it would enhance those houses in there."

GAROFALO "Any other questions? Okay, we will hear from the applicant."

KENNETH D. DENTON "My address is 9114 Windwood Court. I am the owner of the subject property. I also own the adjacent property and the owner of Tillie's Flower Shop. The reason that we have asked for this zoning change is predominantly because we have a heck of a parking problem in there. Having a flower shop across from St. Joseph's Hospital is great, but the problem is that there is not enough parking there for their employees, so they park on the side streets. During the day, it is not uncommon for the cars to be parked all the way down our block, halfway up the other block and a block either way on that back street. It creates a real problem for my employees, knowing where to park. We have some 'on-site' parking, but it is not enough to serve everyone, so there is always a fight for the parking out there."

We want to add additional parking, which, actually, in the long run is going to help the neighborhood because it will take some of the pressure off all of that parking up and down the street. We would also like to be able to add to our building at some time in the future. I don't have any specific plans to do it right now, but hopefully, in the next couple of years, we would like to add on some storage space. I would just mention to you that Tillie's has been in business for 124 years. We are the second oldest company in Wichita. We have been located up and down Harry at one of three locations for that whole period of time.

I grew up a couple of blocks away from this location, around Hillside and Harry Street, and we have always had an interest in the neighborhood and we still do. We wouldn't want to do anything to destroy that, but let me say that at this location, across the street, the people who own that property are currently talking to Burger King about putting a Burger King in there. The fact is that that neighborhood right in there is changing. There is sort of a little island in there where there are two single-family homes, the one on the land we are talking about and the one right behind it has been there 30 years. One of the things that has kept us from asking for this zoning change and buying that property was that we were kind of unwilling to pay the price because we don't know for sure whether or not we will get it zoned. We did buy it and took a chance that we would get it zoned. It is something that will certainly help us. I just can't emphasize enough the importance that we get some additional on-site parking for our business."

WARREN "It is your intent then, to tear the structure down?"

DENTON "At some point. Right now, we could put parking behind the building if just to alleviate our parking. But because of the cost involved, we are not going to go right out and tear that house down, but in order to add on to the building, it will become necessary to do that."

GAROFALO "Are there any other questions?"

MARNELL "If you are not going to tear that building down, how does this help your parking?"

DENTON "There is plenty of room in the back, and we have a driveway along the back of our building that is about 15 feet wide, so we can drive around and we can have our employee parking behind the building and still utilize the house for storage. The trade-off is, the lot isn't very big, it is only 60 feet deep, so if I destroy a house that I have about 800 square feet of storage in, at least now, I have to be able to make that up, plus more, if I add on to the building. It is just a matter of me being tight and not wanting to spend the money for a while until we absolutely need to. But when we do add on to the building, we will have to tear that down. Did you have any questions about the easement, or did you care about that extra two feet and why I questioned it?"

Okay. I am actually the only one that is being served by that easement back there, and the only thing there is a sewer line, which is already set two feet off of the center line, which gives them 10 feet between my easement line and the sewer. That only serves me, so I am not sure why they need the extra two feet. That is really where the issue came up."

GAROFALO "Are there any other questions? Maybe we need to hear from Lisa on that question."

VERTS "Regarding the two feet? After speaking with City Engineering, they had no problem not requiring that extra two feet, but because the other utility companies may have plans or rights to that easement as well, they just wanted to make sure that all of the utilities were okay with that."

GAROFALO "So we don't really know if a dedication is needed, do we?"

KROUT "I think you could make it a recommendation, subject to the dedication of an easement if required by the Subdivision Committee after hearing from the utility advisory."

GAROFALO "Are there any other questions? Thank you. Is there anyone else here to speak in favor of this application? Is there anyone here to speak in opposition? I will bring it back to the Commission. "

MARNELL "The comment that Bud (Hentzen) made about making them rezone that whole area, is that appropriate?"

KROUT "The Planning Commission can always can always initiate rezoning. We usually get into trouble, though, when we do it. We found that out when the Central Business District came up a few months ago."

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: The zoning and land uses are predominantly commercial to the north and west. The suitability of the subject property for the uses to which it has been restricted: The application area is currently zoned "TF-3" Two Family Residential. It could be used for this purpose, although increased commercialization along Harry and on-street parking problems makes this option less desirable. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zoning would merely be an extension of the existing use to the north. Additional parking for Tillie's Flower Shop might help to alleviate existing on-street parking problems on Yale. The standards for screening, landscaping, and lighting in the City Codes should provide appropriate buffering for the home to the south and duplex to the east. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies strip commercial uses along Harry between Hillside and Terrace. The commercial locational guidelines of the Comprehensive Plan recommend that commercial uses should be located in compact clusters versus extended strip developments, except for areas and streets where these uses already exist or where traffic patterns, surrounding land uses, and utilities can support such uses. Impact of the proposed development on community facilities: The applicant's request should not have a negative impact on community facilities. The proposed use would have minimal impact on traffic in the area.) I move that we recommend to the governing body that the request be approved, subject to staff comments.

OSBORNE-HOWES moved, **MICHAELIS** seconded the motion, and it carried unanimously (11-0).

WHEELER "I just want to make a comment for the record. I understand the concern of the utilities, but I think we need to be cognizant of these older areas with additional expansion. If the sewer line is all that is there, the other utilities still have 8 feet to work within, so I don't understand them needing to enlarge the utilities, but I supported the motion anyway. They are talking about making it more difficult for infill and expansion of businesses."

MILLER "It depends upon how deep it is. If the line is deep and they have to dig a deep hole, then it has to be wider at the top to keep it from caving in and there needs to be more room for those utilities to be in there, if they are there. At least that is the discussion we have heard at Subdivision."

WHEELER "But if that house and the need to flush toilets is going to go away, and it is ultimately going to become a parking lot..."

MILLER "I guess that is what we are saying, if everybody is okay with it, then we won't need it, but we didn't want to give up something that may be needed."

WARREN "Do we have a rear yard setback in 'LC'."

KROUT "It is zero on the side yard, but I think we do have a 10 foot in back. I am going to have to see."

WARREN "That is what I was thinking, I think we have a 10 foot set back, rear yard set back, so whether it is an easement or not, he can't use it."

KROUT "We do have a 10-foot rear yard set back."

WARREN "Okay."

8. Discussion on Comprehensive Plan Update

- I. **KROUT** explained that he hoped for a discussion on modification to the Year 2030 population projections and a revised urban service line based on the increase in population. He indicated that, based on the luncheon discussion held with the two governing bodies and the MAPC, staff was looking at more aggressive revitalization efforts in Wichita's central area, but a more "incentives" based approach beyond. He indicated that the City Manager was organizing a task force to review incentives for redevelopment, and **KROUT** was recommending two Commissioners to participate in that effort. Also, staff was proposing that the commissioners form 2 groups to discuss the strategies in greater detail over the next few weeks. If time allowed at this meeting, the commissioners would be discussing possible strategies sent earlier to the MAPC.

- II. Senior Planner **BANKS** explained why and how the population projection was being adjusted, and then described the new hybrid map which splices together the Trends and Conservation scenarios.
- III. Comments by the MAPC regarding the new "scenario":

WARREN asked how close staff was working with Butler County given their recent levels of growth. **KROUT** answered that staff is also looking at a 3 mile strip of land into Butler County as part of the modeling effort. **WARREN** stated that the City of Wichita and Sedgwick County should work with Butler County in planning and coordinating development. He said that this is not currently being done, and used the inconsistency in the naming of streets as an example of lack of coordination.

HENTZEN asked how often we work on a comprehensive plan and who requires the City and County to do one? **KROUT** responded that State Statutes require the Comprehensive Plan to be updated at least every 5 years. He said it was important to prepare a plan for certification if the City and County are to receive funding for transportation purposes. The transportation plan, in turn, relies on a land use plan.

WARREN said that he thought that long range planning was beneficial, but people should keep in mind that it is very speculative. He emphasized that long-range plans should not contain restrictions on future development and that it is only a guide.

WHEELER wanted to know if the Water and Sewer Department had been consulted while this latest scenario (map) was being developed. She said that she did not feel that she could support the proposed scenario until she heard from that department. She was not sure that no sewer plants beyond the northwest plant would be needed in the next thirty years. **KROUT** told her that the Water and Sewer Department and its consultant were waiting for the Planning Commission to decide where population growth would occur in the future, so that it could proceed with their long-range plans. He said the line was a general indication of where things are going to go. **WHEELER** also stated that if the City restricts building additional sewer plants, it would cause more people to move to Butler County.

MICHAELIS stated that he found it difficult to believe that a new sewer plant would not be built in northeast Sedgwick County within the next 30 years. He feels that the City of Wichita should plan for a new sewer in the northeast, and that this should be done sooner rather than later. He also believes that the City should purchase land for a new sewer facility in northeast Sedgwick County in the near future and the public should be notified where the sewer will eventually be.

WARREN agreed with Mr. Michaelis regarding purchasing land for a new sewer in northeast Sedgwick County. He said that the City of Wichita has a responsibility to the public to disclose that there will eventually be a northeast sewer plant, and the future location should be disclosed. He also believes in acquisition before the land becomes too expensive. He thinks that all of Sedgwick County will eventually be urbanized. He also commented that he was disturbed that some people on the Planning Commission have considered denying development applications because they did not fit into the long-range plans of the City.

WHEELER also agreed that 2 or 3 future locations of sewer plants should be identified.

KROUT responded that "if you show it they will come." Furthermore, population would need to be redistributed away from expected areas of growth already shown, and which the Commissioners had previously suggested were logical development areas. He indicated that the MAPC had a responsibility to consider costs of growth and to have efficiency as a goal.

GAROFALO said that the Comprehensive Plan needs to state that a new sewer plant is needed in northeast Sedgwick County, and that the Master Sewer Plan being done needs to select a location for it.

WARREN said that land for future sewer plants should be bought in advance and flags be placed on the land so that people would know. He also said that the new scenario presented by the Planning Department is the same as that which the Planning Commission produced when it placed triangles that represented development on maps. He said that he did not think that it was possible to develop a better scenario.

WHEELER stated that she could not support the scenario until she had more time to study it. She requested that the Planning Department supply a smaller version of the map shown to all of the Planning Commissioners.

GAROFALO questioned how this new scenario compares with the Trends and Conservation scenarios, which was presented before. **KROUT** told them that this scenario was basically like the Trends scenario on the fringe of Wichita, and like the Conservation scenario within the central part of the City. **KROUT** said there is much work to be done to produce the incentives to attract development and that the use of regulations, like minimum density requirements in the fringe areas, was not going to happen.

The use of two committees to discuss the comprehensive plan goals, objectives and strategies in greater detail was then discussed. The subject of transportation (a third subcommittee) would be discussed later, when more information from the modeling effort was available. One group would discuss the four land use goals identified in the plan, along with housing/neighborhoods. The other group would discuss the remaining goals e.g., public works, cultural and recreational issues, environment, etc. Commissioners were asked to provide their preference in serving on these committees to

Garofalo at the end of the meeting. The preferences will be passed on to Chairman Johnson, who will make the assignments.

The meeting unofficially adjourned at 4:30 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 1999.

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)